

Illegal eviction

This factsheet looks at what you can do if you are a tenant who has been illegally evicted.

Your landlord must follow the legal rules to lawfully evict you. In most cases, they must give you written notice, get a court order and apply for the court bailiffs to evict you. Illegal eviction is a criminal offence.

Proper notice

The fact that your landlord owns your home does not give them a right to evict you in any way they see fit.

Your landlord must give you the right kind of notice. This will depend on the type of agreement you have and the reason for the eviction. You may be entitled to up to two months' notice.

After your notice period has ended, your landlord must apply to the court for a possession order. If you don't leave on the day the court says you should, your landlord must go back to the court and get a bailiff's warrant. If your landlord forces you to leave before the bailiffs arrive then you have been illegally evicted.

Sharing with your landlord

If you share accommodation with your landlord they will not normally need a court order to evict you. They only need to give you reasonable notice. There are a few other situations where the landlord will not need to get a court order. Get advice if you want to be clear about your rights.

Examples of illegal eviction

Some actions will nearly always count as illegal eviction. Your landlord will probably be committing an offence if they:

- change the locks while you are out
- threaten you if you do not leave
- physically throw you out
- stop you getting into parts of your home.

Getting back in yourself

If you have been illegally evicted, you may have the right to re-enter your home, even if your landlord has changed the locks. This is a complicated area of law. It is vital that you are certain that you have this right before taking any action. In some circumstances you could be committing a criminal offence yourself. Get advice before you attempt to get back into your home.

Going to the council or the police

Ask your council if they have a 'tenancy relations officer' (TRO), or another officer, to help tenants who are experiencing harassment or illegal eviction. It helps to involve the council at an early stage.

The council can speak to your landlord on your behalf. They can make sure your landlord is aware of your rights, and that action they are taking may be unlawful. They may be able to persuade the landlord to let you back into your home (an advice service may also do this). In some cases the council will prosecute the landlord.

Although illegal eviction is a criminal offence, it can be difficult to get the police to help you. The police can misunderstand the law and what responsibilities they have in cases of illegal eviction. However, they may agree to come to your home to prevent a breach of the peace from taking place.

Taking your landlord to court

The council or police can prosecute a landlord in the criminal courts. If convicted, the landlord can be fined or imprisoned.

You can also take court action yourself. You can use the county court to get an injunction ordering your landlord to let you back into your home and to get damages as compensation for your landlord's actions. You normally need a solicitor to help you. If you are on a low income or claim benefits, you may be able to get legal aid. Contact [Civil Legal Advice](https://www.civillegaladvice.org.uk) on 0345 3454 345 to check if you can get legal aid.

Defence

If your landlord can prove that they reasonably believed that you were not living in your property, they have a defence. The court will decide whether your landlord really held that belief.

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on 0808 800 4444 for advice and information on your options.*

*Calls are free from UK landlines and main mobile networks.



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Note

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